

**BOONE COUNTY  
BOARD OF ZONING APPEALS**

<b>A. Petition Number:</b>	15WA-14-061
<b>B. Applicant:</b>	Mechanicsburg Christian Church
<b>C. Identification Number:</b>	011-05550-00
<b>D. Location:</b>	The location of this petition is 650 West Horton Road; Kirklin, IN 46050.
<b>E. Parcel Size:</b>	15 Acres
<b>F. Land Use and Zoning:</b>	<u>Present Zoning</u> The present zoning classification of this property is R-2.
<b>G. Action Requested:</b>	<u><b>Development Standard Variance</b></u> <b>Variance Request 1-(Accessory Structure without a Primary Structure)</b> The applicant is seeking to place an Accessory Structure (Outdoor Picnic Shelter) on the property without a Primary Structure. The applicant is seeking to place a 36' x 56' (2,016) square foot accessory structure (outdoor picnic shelter) without a primary structure on the property.  <b>Boone County Zoning Ordinance</b> <b>Section IV. Property Development Standards</b> C.1 Accessory Structures shall not be erected prior to the primary structure, except structures which classify as Farm Buildings, as stated under the definitions section of this Ordinance.
<b>H. History:</b>	<u>History of Application Submittal</u> This is the first time this item has appeared before the Board of Zoning Appeals.
<b>I. Infrastructure</b>	<u>Septic and Well Facilities</u> The proposed picnic shelter is not seeking the placement of restroom facilities within the structure.
<b>J. Technical Advisory Committee Comments:</b>	<b>Technical Advisory Committee Review:</b> This item was reviewed by the (TAC) Technical Advisory Committee on April 22, 2015 and had the following comments:  <u>Boone County Health Department</u> Since there are no restrooms being proposed in the picnic shelter, the Health Department has no issues or concerns.  <u>Boone County Surveyors Office</u> In the event, the variance is approved; the applicant will need to apply for the necessary drainage permit.

**Applicant:** Mechanicsburg Christian Church

**Date:** May 27, 2015 BZA Meeting

**Petition:** Development Standard Variance-Accessory Structure without Primary

<b>K. Variance Criteria</b>	<p><u>Boone County Highway Department</u> No additional driveway is being sought for the placement of the new picnic shelter.</p> <p><u>Boone County Area Plan Commission</u> The review of the evaluation criteria for the (3) Variances can be found below:</p> <p>In accordance with IC 36-7-4-918.5, the following standards shall apply for evaluating variances:</p> <p><b>Variance Request-1</b> -The applicant is seeking to place a 36' x 56' (2,016) square foot accessory structure without a primary structure on the property.</p> <p><b>APC staff reviewed the request in accordance with the following outlined criteria:</b></p> <p><b>Evaluation Standard-1</b> <b>The variance will not be injurious to the public health, safety, morals, and general welfare of the community.</b> The proposed picnic shelter is to serve the patrons of the Mechanicsburg Christian Church for recreational purposes on the subject property with is located to the east of the existing church facility. The allowance of picnic shelter which adheres to all the lot development standards for the R-2 zoning district will not impair the public health, safety, morals, and general welfare of the community.</p> <p><b>Evaluation Standard-2</b> <b>The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.</b> The proposed picnic shelter is located in the core of Mechanicsburg which is predominately rural residential uses along Horton Road area. The placement of a medium sized picnic shelter will not impair the area adjacent to the property included in the variance. The picnic shelter will be utilized on seasonal occasions for social recreation by patrons of the Mechanicsburg Christian Church.</p> <p><b>Evaluation Standard -3</b> <b>The strict application of the terms of the Ordinance will continue the usual and unnecessary hardship as applied to the property for which the variance is sought because...</b></p> <p><b>APC Staff Comment</b> As indicated in the submitted application materials and the Technical Advisory Committee meeting, the applicant has demonstrated an unnecessary hardship due to the fact, the Ordinance requires a Primary Structure prior to an Accessory Structure being constructed. In this instance, the Church is located to the west and serves as the Primary Structure on a separate lot of record. The church has no intention of an additional Primary Structure of the subject lot where the variance is sought. The hardship occurs in the fact, the subject vacant lot would not be able to enjoy social recreational events and provide a picnic shelter to provide a protective barrier for the weather elements for outdoor festivities.</p>
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**L. Staff Analysis:**

**APC Staff Recommendation:**

In review of the requested Development Standard Variance, Area Plan Staff finds the petitioner has proven the ability to satisfy the statutory criteria as demonstrated above in the outlined comments. Area Plan Commission recommends approval of the Development Standard Variance as presented.